

# RAMP Questions & Answers Group I

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December 15, 2011

As there is significant interest in RAMP, Rental Action Management Program, staff will provide responses to questions concerning the draft program design/ordinance in the following format and post this information online at [www.ci.fayetteville.nc.us/rppp](http://www.ci.fayetteville.nc.us/rppp).

1. Should the CoF convene a stakeholders group to refine RAMP?

Staff is happy to meet with interested stakeholders. RAMP is based on State law and a working program in Charlotte. Throughout the process of modifying Charlotte's program for Council's consideration, we've engaged the stakeholders to solicit ideas and smooth rough spots. Additional work around Council's desired program would likely be helpful - particularly if we are able to ascertain interest around the following issues:

- a. Will this program or a variant apply citywide?
- b. Will this program include crime and code violations (Charlotte's focuses only on crime)?

Based on answers to those questions, the scale of RAMP will likely change and would also then inform Council/staff which stakeholders need to be engaged.

2. Do the "points" apply to a rental property owner if a B&E were to happen on a public street?  
No. RAMP only addresses incidents which occur at/on the property.
3. Can we require all rental properties to have a professional property management firm handle their rentals?  
The City can't mandate private contracts between individuals and as one speaker indicated during the City Council's December 12 RAMP public hearing, there are instances in which some of the rental management companies have provided poor oversight of properties.
4. Could the RAMP be modified to only apply to single family dwellings?  
Staff has reservations about applying this only to single family homes, for two reasons. Under Senate Bill 683 regarding periodic inspections it states "The municipality shall not discriminate in its selection of areas or housing types to be targeted." This section of the bill is separate from the section that controls RAMP since it is just referring to periodic inspections, but the fact that it is in the same Bill/ordinance is strong evidence of how such a distinction will be viewed.

Secondly, there are constitutional concerns anytime like-business are treated differently and in this case we would be going beyond treating like-businesses differently and actually treating like-owners differently.

5. Could the RAMP be modified to only apply to single family dwellings in "high crime neighborhoods" with the definition to be defined by PD calls and actions?  
SB 683 bill doesn't actually provide for this. It allows specific areas to be designated by council for periodic inspections, but not necessarily for the conditions contained in RAMP. Not to say that it's absolutely impossible and staff will look into it more, but on its face the bill/statute doesn't say it.

By periodic inspections, it is just providing cities with the ability to have regularly scheduled inspections in certain designated areas when there is no reasonable cause identified. Currently cities can't do periodic inspections without reasonable cause, this section of the bill just creates an exception but we don't necessarily see it extending to the provisions of RAMP.

6. Do all of the same requirements apply to:

a. Fayetteville Metropolitan Housing Authority?

Yes. As written, there are no exceptions for FMHA communities.

b. Picerne Housing?

No. We don't Police (crime or code) where Picerne Housing is located – federally owned land.

c. Section 8 Housing?

Yes. As written, there are no exceptions for Section 8 Housing.

7. How is a property owner notified of criminal activity or code violations? What if the address is not correct?

RAMP would build in a system whereby the owners could be notified once we identified the property was a rental. The letters sent out for code violations would be modified with references to RAMP, if adopted, to let the owners know about the program.

8. If a landlord has 3 code issues and makes a good faith effort and does address, why are they charged \$1,000? Does the Charlotte model work exactly the same way?

Charlotte's program doesn't include code violations, only crime. Good faith should be demonstrated after the first 2 violations, repeated violations in a year equaling 3 or more are one of the main reasons RAMP was recommended to Council. Simply put, we are continually chasing the same properties and RAMP is built on the belief that the owners are responsible for insuring their properties are code violation free or that they are holding the tenants responsible. However, this is Council's call as to what level of enforcement is desired.

One aspect of apartment living that appeals to tenants is not having to worry about the neighbor with a junk car in their front yard or with trash on the lawn - all such issues are handled by the professional property managers who operate the apartment complex (usually). As such, it would likely be very difficult for most apartment communities to get three code violations in a year for entry into RAMP. One such apartment complex that was ripe for RAMP is the King George Apartments off Carol Street (Bragg Blvd) near Sycamore Dairy. That property racked up several code violations over the last 14 months and is currently going through a major renovation of the entire complex.

9. Consider having the “review board” also be charged with evaluating the effectiveness of the program.

The evaluation data will come from staff. Staff will prepare regular reports to provide to Council to gauge the effectiveness. Council as the authorizing body is likely in the best position to determine whether the program is delivering the desired results. The review board is designed to hear appeals in an impartial way.

10. Has the possibility of “unintended consequences” been considered and citizens/property managers/etc. actually call in less code violations and criminal activity?

Yes, staff mentioned some of those consequences in the November presentation to City Council. While a concern, the types of crime that we are tracking aren't easily ignored by residents/tenants - assault, prostitution, drug-dealing, murder. RAMP was also modified to not be based on 'CALLS FOR SERVICE', but on 'INCIDENTS' and reports generated by FPD. As such, a call to 911 won't necessarily generate an 'incident' or RAMP eligible point. This change was discussed with Council at the Wednesday, December 7 Agenda Zoning Review. Even still, this is a concern for staff, too.

11. Describe the authority the Council might have to strengthen existing code and other ordinances that would allow us to effect the same penalties on a case-by-case basis.

RAMP provides for a higher level of scrutiny once certain conditions are present on the property. As such, it has a more uniform and equitable approach for all properties that are offered as residential rentals. May need additional clarity on the question to provide a more complete response, as Council can certainly amend ordinances but the constitutionality and legality of any proposal would have to be evaluated. As always, we can only go as far as existing state law allows.